NOTES OF CASES.

PURE ELECTIONS—SECTION 145a, VA. CODE ANNO.—IMMUNITY TO WITNESS TESTIFYING UNDER SAME.—Clause nine of the pure elections act, (sec. 145a, Va. Code Anno.) provides that "the statements of any person testifying under this act shall not be used against him in any way." Under the rulings of the Court of Appeals of Virginia and the Supreme Court of the United States, this clause does not grant the witness complete immunity, and therefore he can avail himself of his constitutional privilege of refusing to incriminate himself. And he can claim this privlege not only in a criminal proceeding, under clause two of the aforesaid act, but also in a proceeding contesting the election, under clause 8. Before the privilege guaranteed by sec. 8 of the Constitution of Virginia and the fifth amendment of the Constitution of the United States can be taken away, there must be complete amnesty as to the witness, a complete wiping out of the offence as to him, so that he can no longer be prosecuted therefor. This clause does not provide complete amnesty, and therefore does not take away the constitutional privilege. See *Cullen* v. *Com.*, 24 Gratt. 624: *Counselman* v. *Hitchcock*, 142 U. S 547, 12 Sup. Ct. 195; *Emery's Case*, 107 Mass. 172; and note to *U. S.* v. *Goldstein*, 10 Va. Law Reg. 429.

C. B. G.

CARRIERS—ALIGHTING PASSENGERS.—Where street car moves suddenly forward while passenger is alighting, the street railway company is liable for resulting injuries, unless it shows that the accident could not have been prevented. *Reagan* v. *St. Louis Transit Co.* (Mo.), 79 S. W. 435.

LARCENY—FORMER ACQUITTAL.—In *State* v. *Hankins*, decided by the Supreme Court of North Carolina in October, 1904 (48 S. E. 593), it appeared on a prosecution for larceny that defendant had been previously indicted jointly with another for stealing a hat, cap, trousers, collar buttons and suspenders, and that the State, being unable to prove that the present defendant took any of the articles described, proposed to prove by the prosecutor that he saw defendant take a coat at the same time, but in a different part of the store, in order to show a conspiracy to steal the articles mentioned in the bill. On its being shown afterwards that the defendant had not taken any of the articles alleged in the first trial to have been stolen, and that no evidence of a conspiracy existed, the court directed a verdict of not guilty as to the present defendant, who was thereupon indicted in the present proceeding for stealing the coat. On the trial there was proof that the coat was the same coat which the prosecutor identified in the first case, and that it was taken at the same time and from the same person. It was held that a plea of former acquittal could not be sustained. See note to sec. 3894, Va. Code Anno.